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BURST-3 CIP2

DECLARATION AND POWER OF ATTORNEY

I, Mark O. Worthington, declare that I am a citizen of the United States of America, residing and having a post office address at 13841 Tustin East #183, Tustin, California 92780;

that I verily believe myself to be the original and first inventor of the invention or discovery in:

TRACKABLE OPTICAL DISCS
WITH CONCURRENTLY READABLE
NONOPERATIONAL STRUCTURES

which is described and claimed in the specification of which was filed on October 26, 1999 as Application No. 09/421,870 and for which a patent is sought;

that I have reviewed and do understand the content of said specification, including the claims, and acknowledge my duty to disclose to the United States Patent and Trademark Office information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

that I do not know and do not believe that this invention or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application; or in public use or on sale in the United States of America more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal

representatives or assigns more than twelve months prior to this application; and that no application for patent or inventor's certificate on this invention or discovery has been filed in any country foreign to the United States of America by me or my legal representatives or assigns;

and I hereby appoint James F. Haley, Jr., (Reg. No. 27,794), Margaret A. Pierri, (Reg. No. 35,588), Hope Liebke, (Reg. No. 31,069), Jane T. Gunnison, (Reg. No. 38,479), Daniel M. Becker, (Reg. No. 38,376), and Brett G. Alten, Esq. (Reg. 42,258), my attorneys, with power of substitution, and with power of appointment of associate attorneys, and of revocation of their powers, to prosecute this application and any divisions, continuations in whole or in part, renewals and reissues of the same, and to transact all business in the Patent and Trademark Office connected therewith;

and I request that communications be sent to:

Brett G. Alten
c/o Fish & Neave
1251 Avenue of the Americas
New York, New York 10020-1104

and that telephone calls be directed to:

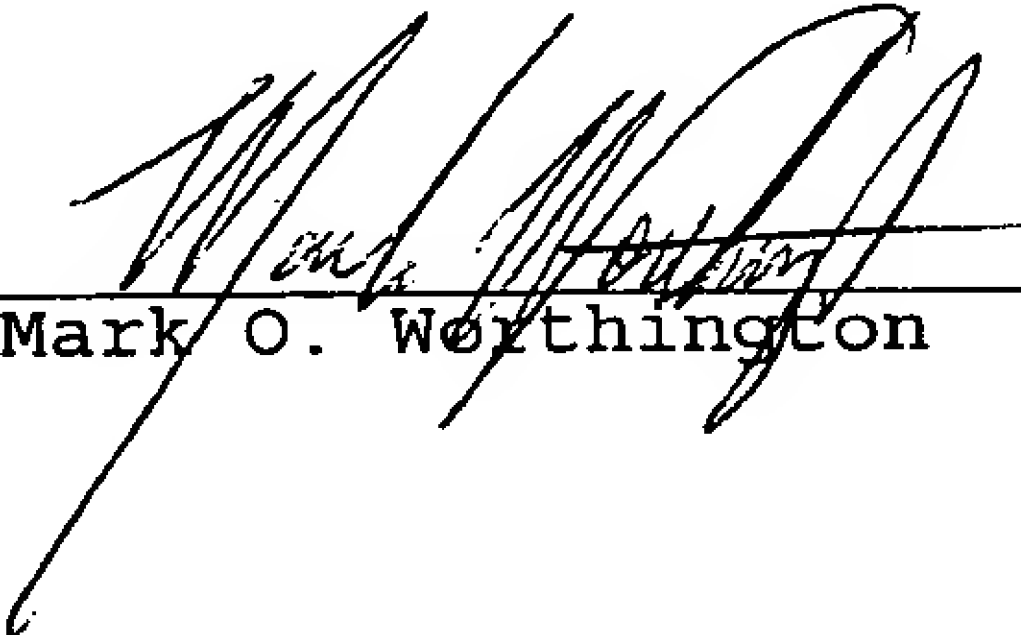
Brett G. Alten
(212) 596-9000.

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, and power of attorney.

I declare, further, that I understand the English language and that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and,

further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1/13/99
Date


Mark O. Worthington

Applicant or Patentee: Mark O. Worthington Attorney's
Application or Patent No.: 09/421,870 Docket No. BURST-3 CIP 2
Filed or Issued: Filed October 26, 1999
For: TRACKABLE OPTICAL DISCS WITH CONCURRENTLY READABLE NONOPERATIONAL STRUCTURES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the
concern identified below:

NAME OF CONCERN BURSTEIN LABORATORIES, INC.
ADDRESS OF CONCERN 15375 Barranco Parkway, Suite I-101, Irvine, California 92618

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for the purpose of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled TRACKABLE OPTICAL DISCS WITH CONCURRENTLY READABLE NONOPERATIONAL STRUCTURES by inventor(s) Mark O. Worthington described in

- ☐ the specification filed herewith
☒ application no. 09/421,870, filed October 26, 1999
☐ patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. § 1.27).

MAILED
APR 17 2000
Group 2700

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Richard Burstein
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 15375 Barranca Parkway, Suite I-101
Irvine, California 92618

SIGNATURE [Signature] DATE 1-18-2000